

### **REMARKS**

Claims 1-12 are pending in this application. In the Advisory Action, the Examiner indicted that claims 9 and 12 were allowable and that the remaining claims were rejected. Reconsideration is respectfully requested as to the rejected claims.

#### Further explanation of differences between Applicants' invention and Shimatani:

After reading out source musical composition data, applicants' invention determines whether or not control codes are constant (see FIG. 4 and pages 13-15 of the specification of this application).

In contrast, Shimatani first gives an instruction (hereinafter referred to as the alteration instruction) to make a change to a (particular) control code in initial-setting data, and *then* discriminates from real performance data the control code to which the alteration instruction has been given (see FIGS. 1-4 and paragraphs [0017] to [0031] of Shimatani).

Thus, in applicants' invention, all of the control codes, of whatever type, are subjected to a composition data search for the determination of whether the control codes are constant or not. On the other hand, in Shimatani, only the control code to which the alteration instruction has been given is subjected to the discrimination from the real performance data.

Shimatani in effect ignores control codes that have not been earmarked by an initial alteration instruction. Thus for a control code to which the alteration instruction has not been given, even a non-constant control code would not be subjected to the discrimination and no change to that control code is made.

In the Advisory Action, the Examiner pointed out that Shimatani discloses a “method of changing the performance data automatically.” However, such automatic data change entails a restriction that only the control code to which the alteration instruction has been given can be changed automatically.

It is respectfully submitted that applicants’ claims, as amended, distinguish their invention from Shimatani, in that applicants determine whether or not the musical composition reproduction control codes are constant throughout the whole of the musical composition. Shimatani does not do this.

#### **CONCLUSION**

In view of the foregoing amendments, it is respectfully submitted that the claims are now in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0750, under Order No. 2552-000056/US from which the undersigned is authorized to draw.

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Respectfully submitted,

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